



Neither Inmates Nor Counties Get Out of Jail Free

By Kahryn A. Riley

Summary

Some Michigan counties make people in jail pay nightly fees. The practice often doesn't work and may lead to increased crime.

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Fans of the board game Monopoly know that, if you land in jail, it'll cost you \$50 to get out. But it may surprise you to learn that real inmates in Michigan jails may also owe that much — and even more. County jails in our state are allowed to bill inmates nightly, and many do. Since criminal defendants are often indigent, the practice doesn't benefit counties much. Incarceration is expensive, and inmates aren't the most sympathetic of people. But it's unfair and unsustainable to expect them to fund jails. Still, if it must be done, we should enact policies that reduce jail populations and give inmates better options for paying their debts.

Crimes come in two broad categories. Felonies are serious crimes, and being convicted of one could result in large fines, at least a year in prison, or both. Misdemeanors, by contrast, are less serious crimes that carry lighter penalties. People who are convicted of a misdemeanor and sentenced to serve time generally go to jail, usually run by the county where they committed the crime.

Some Michigan counties take the concept of an offender's "debt to society" more seriously (and literally) than others, and inmates in their jails may be released with massive debts.

Each county in the state bears the cost of housing its jail's inmates. The Michigan Constitution requires each county to elect a sheriff, who is responsible for operating the jail. State law lets counties charge jail inmates a \$12 booking fee and \$60 per night for housing.

We surveyed the counties to find out how much they charge inmates, and found a wide range. At least 68 jails impose some kind of housing fee. A few counties, such as Marquette and St. Clair, charge the full \$60, while others, including Kalamazoo and Washtenaw, charge nothing.

But almost none of them, we discovered, actually collect even half of what they charge. Many reported collecting less than 10 percent; some said they got less than 1 percent. As one jail administrator told us, "It's like getting blood from a turnip." That's no surprise, as criminal offenders are likely to be poor.

The person who is convicted of a misdemeanor and serves a standard 93-day sentence in a jail with a \$60 nightly housing fee will owe the county more than \$5,500. That doesn't include penal fines, court costs, booking fees, victim restitution, attorneys' fees, the cost of phone calls home and items bought at the jail commissary. One Michigan man ended up owing nearly \$13,000 at the end of his case and sentence.



Charging jail inmates fees usually doesn't pay off.

Some people think that inmate housing fees are like user fees, because they let us pass our criminal justice costs along to the people who caused them in the first place. That's a logical stance, but it might not make good policy.

First, who benefits from incarcerating criminals? Society. Locking them up is meant to bolster public safety. Courts make many criminals pay fines as punishment or as restitution to their victims. Once they have made these payments and served time behind bars, we say rightfully that they have "paid their debt to society." It is appropriate to fund the legal and judicial system with tax dollars, because it is a critical component of a just society.

Second, the user-fee model of financing jails doesn't work. Very few jurisdictions in Michigan manage to collect even half their jail costs, making the attempt a bad business practice. Moreover, it's counterproductive. This kind of debt, which later shows up on background checks, can block people from taking a job and becoming productive citizens. Holding people back from their full potential or forcing them out of the workforce benefits no one and may contribute to more crime.

Fortunately, counties can do some things to spend less on jails.

First, they should ask their courts to release more criminal defendants on bail. Gov. Rick Snyder has noted that up to 60 percent of jail inmates are incarcerated not because they've been convicted, but because they cannot afford bail. Several states have or are thinking about making their bail system depend on whether a defendant is a risk to public safety; now, it's often based on a defendant's financial status. Legislators in Michigan are discussing bail reform, but at least one court here has already tested a program to give all misdemeanor defendants bail. This could substantially cut down on the costs of jails without posing a risk to public safety.

Second, courts should give indigent defendants an attorney at the early stages of their trial. This idea, when tested in Michigan, reduced the average jail stay by nearly 30 percent in one county.

Finally, counties that, for financial or other reasons, must pass some of their costs along to offenders should let them set up a payment plan, or allow indigent defendants to do community service.

The legal and judicial system performs essential roles for government. Officials should make sure that plans for funding it are fair — and work.

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